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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,017	11/16/2001	Paul M. Petersen	042390.P12628	2968
7590	08/22/2005		EXAMINER	
Crystal D. Sayles c/o BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP 12400 Wilshire Boulevard Seventh Floor Los Angeles, CA 90025			TRUONG, CAMQUY	
			ART UNIT	PAPER NUMBER
			2195	
			DATE MAILED: 08/22/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/991,017	PETERSEN, PAUL M.
	Examiner Camquy Truong	Art Unit 2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 June 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 4-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 4-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                             |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                        | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. Claims 1, and 4-30 are presented for examination. Claims 2-3 are cancelled.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 4 -13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The claim language in the following claims is not clearly understood:

- i. As to claim 1, line 8, and claim 4, line 2, it is not clearly understood whether " a task executable" refers to " task executable" in line 5; Line 9, it is not clearly understood whether " the task " refers to " task executable" in line 8.
- ii. As to claim 7, line 3, it is not clearly indicated what a " taskq " is and how it relates with "the task" and " the executed task " in lines 1-2.
- iii. As to claim 11, line 3, it is not clearly understood whether " a task executable" refers to " task executable" in claim 1, line 8 or " the task" in line 9.
- iv. As to claim 12, lines 2- 3, it is not clearly understood whether " a task executable" refers to " task executable" in claim 11, line 3.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flood et al (U.S. Patent 6, 823, 351).

6. Flood was cited in the last office action.

7. As to claims 1 and 21, Flood teaches the invention substantially as claimed including a method comprising:

Creating a first stack of tasks associated with a first thread (col. 4, lines 26-28; Fig. 4a, 4b and 4c; col. 6, lines 17-20);

Creating another stack of tasks associated with another thread (col. 4, lines 26-28; Fig. 4a, 4b and 4c; col. 6, lines 17-20);

Executing tasks on the first stack of tasks with the first thread (col. 4, lines 32-35; col. 6, lines 29-30; col. 7, lines 31-33);

Determining if the second stack of tasks contains a queued task executable by the first thread by examining a bit mask (col. 4, lines 51-52; col. 7, lines 51-53; col. 9,

lines 2-10; col. 17, line 65 – col. 18, line 14), wherein the bit mask is locked before the bit mask is examined (col. 4, lines 18-20; col. 11, lines 41-51; col. 12, lines 11-13); and

Executing a queued task in the second stack by the first thread (col. 6, lines 31-32; col. 9, lines 2-5).

8. Flood does not explicitly teach that a second stack of tasks associated with a second thread. However, Flood teaches a separate work queue... is created for each thread (col. 4, lines 26-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made that in fact Flood's system provide a second stack of tasks associated with a second thread because it would minimizes interrupting or blocking of the owner's operation.

9. As to claim 14, Flood teaches:

Creating a plurality of threads each having a stack of queued tasks (col. 4, lines 26-28; Fig. 4a, 4b and 4c; col. 6, lines 17-20);

At least one thread executing tasks on its stack of queued tasks until no queued task remains in its stack of queued tasks that is executable by the at least one thread, wherein the at least one thread becomes an idle thread (col. 4, lines 32-39; col. 6, lines 30-31; col. 7, lines 46-51);

The idle thread searching a bit mask for a bit that is set indicating a thread that may have a task executable by the idle thread (col. 7, lines 51-56; col. 8, lines 16-30;

col. 17, line 65- col. 18, lines 10), wherein the bit mask is locked before the bit mask is searched (col. 4, lines 18-20; col. 11, lines 41-51; col.12, lines 11-13);

In response to a set bit in the bit mask, the idle thread searching the stack of queued tasks owned by another thread for an available queued task that can be executed by the idle thread (col. 6, lines 29-32; col. 7, lines 50-55; col. 9, lines 2-10); and

If an available executable task is found, then the idle thread executing the available task (col. 6, lines 29-32; col. 8, line 65- col. 9, line 4).

10. As to claim 27, it reject for the same reason as claims 1 and 21. In addition, Flood teaches:

A memory including a shared memory location (share common memory, col. 5, lines 27-28);

At least one processor to execute at least a first and second parallel thread (col. 4, lines 23-25; col. 5, lines 26-30).

11. As to claim 4, Flood teaches wherein determining if the second stack contains a task executable by the first thread further comprises searching the second stack of tasks to determine if the second stack of tasks contains the task executable by the first thread (col. 8, lines 16-31; col. 17, line 65- col. 18, line 14).

12. As to claim 5, Flood teaches locking the second stack of tasks by the first thread

before it is searched (col.11, lines 42-43; col. 12, lines 11-13).

13. As to claims 6 and 15, Flood teaches changing a bit in the bit mask associated with the second thread if a task executable by the first thread is not on the second stack of tasks (col. 9, lines 5-10; col. 18, lines 8-14).

14. As to claims 7-9, 16 and 24, Flood changing a bit in a bit mask in response to executing a taskq task, which generates additional tasks (col. 8, line 65- col.9 line 5 col. 17, line 65 – col. 18, line 18).

15. As to claim 10, Food teaches changing the bit in the bit mask includes changing a bit associated with the second thread indicating the second stack of tasks contains a task executable by the first thread (col. 17, line 65- col. 18, lines 10).

16. As to claim 11, Food teaches executing all executable tasks on the first stack of tasks before determining if the second stack of tasks contains a task executable by the first thread (col. 6, lines 29-34; col. 7, lines 46-53).

17. As to claims 12-13, 20, 26 and 30, Food teaches causing the first thread to enter a wait state if the second stack of tasks does not contain a queued task executable by the first thread (col. 10, lines 58-63; col. 18, lines 3-6).

18. As to claims 17 and 22, Food teaches enabling an idle thread to search its stack of queued tasks for an available task that is executable in response to the setting of a bit in the bit mask (col. 10, lines 30-42; col. 17, line 65- col. 18, lines 10).
19. As to claim 18, Food teaches queuing a task generated by the execution of a task generating task on the stack of queued tasks from which the task generating task was found (col. 8, line 65- col.9, line 5).
20. As to claim 19, Food teaches in response to the idle thread executing the available executable task, the idle thread searching its stack of queued tasks for another available task that is executable (col. 10, lines 38-42).
21. As to claims 23 and 25, Food teaches the bit mask has a bit associated with the second thread and the bit is changed if a queued task is not on the second stack of tasks (col. 17, line 65- col. 18, lines 10).
22. As to claim 28, Flood determining if a task executable by the first thread is available, the first thread to examines the bit mask to determine if the second stack of tasks contains the available task and then to searches the second stack of tasks for the available task (col. 8, lines 16-31; col. 17, line 65- col. 18, lines 10).
23. As to claim 29, Food teaches the first thread changes a bit in the bit mask

associated with the second thread if the first thread executes an available task in the second stack that generates a task (col.18, lines 8-11).

***Response to the argument***

24. Applicant arguments filed on 6/17/05 for claims 1 and 4-30 had been considered but they are not persuasive.

25. In the remarks applicant argued (1) " Flood does not teach or suggest determining if the second stack of tasks contains a queued task executable by the first thread by examining a bit mask, wherein the bit mask is locked before the bit mask is examined".

25. Examiner respectfully traverses Applicant's remarks:

As to point (1), Flood teaches if a queue is not empty, the corresponding status bit is set to active. This indicates that the associated thread has work remaining in the queue (col. 17, line 67 – col. 18, line 2). Each thread work queue contains the corresponding status bit that indicates the associated thread has work remaining (col. 17, line 65 – col. 18, line 2). A thread whose queues is empty looks for a queue with work, locks that queue and steals the elements from the locked queue (col. 4, lines 18-20). When the queue is locked, the status of corresponding bit is not changeable. Therefore, the corresponding bit has to be locked.

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26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camquy Truong whose telephone number is (571) 272-3773. The examiner can normally be reached on 8AM – 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Camquy Truong

August 4, 2005

  
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